

13th September 1946]

III.—GOVERNMENT BILLS.

(1) THE MADRAS PRESERVATION OF PRIVATE FORESTS BILL, 1946.

THE HON. SRI K. R. KARANTH :—“ Sir, I beg to move—

‘ that the Madras Preservation of Private Forests Bill, 1946 (L.A. Bill No. 7 of 1946), as passed by the Legislative Assembly, be taken into consideration at once.’

“ In doing so, I wish to place before the House a few facts about the main features of this Bill. The House is aware, Sir, that in 1938 the then Congress Government appointed a Committee called the Prakasam Committee to go into the question of the Estates Land Act and its improvement. That Committee submitted a very exhaustive report which was accepted by the then Legislature. One of the important points dealt with in the report was the nature of the rights in the forests and communal lands in the estates land areas which I may briefly summarize as follows: ‘ The view was that these forests were not the private and exclusive property of the landholders as they claimed but the property was for the use and enjoyment of the people, i.e., the ryots and the cultivators of all the villages concerned.’ The Government do not wish at this time to say what definitely are going to be the provisions under the new Bill that will be brought. But it is sufficient to say that in view of those recommendations it has come to their notice that the forests in several parts of those areas . . . ”

(There was a lot of disturbance on account of the noise made by military lorries passing on the road just outside the Chamber.)

SRI T. PURUSHOTHAM :—“ Is it not possible to ask those people not to make such noise, Sir . . . ? ”

* MR. PRESIDENT :—“ We are still in the hands of the Military, I am afraid. Even during the last meeting I told the Sergeant to see that such noises do not disturb us. I am afraid they too are powerless.”

* THE HON. SRI K. R. KARANTH :—“ If I may proceed, Sir, it has come to the knowledge of the Government and it is also a well-known fact that many of the forests in these estates land areas have been denuded and destroyed and in some cases beyond immediate repair. In the district of Chittoor, I have actually gone several miles into these forests in the Poonganur zamindari which is about 15 to 20 miles from the Chittoor Town, and near the town of Kuppam into the Kangundi zamindari where cutting of trees has been going on on a large scale for a number of years; and if the present state of affairs is allowed to continue it will seriously prejudice the interests of the cultivators and of the Province as a whole.

“ Similar is the position with regard to communal lands. You are well aware that those communal lands are as described in sub-section (10) of section 3 of the Estates Land Act. They are described as tank-beds, pathways, etc. It has come to the knowledge of Government that in many cases even these are being assigned away and the tree growth on them cut. Pattas are being

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issued apprehending the future legislation. All such alienations are taking place; no doubt under the provisions of the Estates Land Act under sections 3, 20-A and 21 such alienations are null and void and they are useless. But still it is the Collector who will have to find them out and enforce eviction. With regard to such past assignments, I may tell the House that the Government are taking steps, in view of the series of these alienations that are taking place, and instructing the Collectors to take active steps to evict the assignees. In fact it was brought to our notice that in a village called Avidi in the East Godavari district practically all the pathways in the village have been alienated by the zamindar concerned.

“ Thus it has become necessary and in view of the coming legislation, before further harm is done, that we should take active steps to see that such devastation and alienations do not go on.

“ The other portion that is sought to be covered is Malabar. A very similar situation exists there also. The Congress Government in those years in 1938–39 appointed a Committee in which there were nearly 19 to 20 Members of the Legislature, who went into the conditions of the Malabar tenures and made important recommendations for overhauling that Act. During the period of the War that report was laid on the shelf by the Advisers' Government because they were preoccupied with War. Soon after this Government took office, we asked the Board of Revenue to go into those recommendations. We have also appointed a Special Officer, under whom a Deputy Collector is working in Malabar, to see in what way those provisions could be implemented. It is our intention to bring in this legislation also as early as possible during the next five or six months if our programme holds good.

“ In Malabar the condition is probably as bad if not worse than in other parts of the Province with regard to forests, i.e., in the estates areas. Malabar was proud of its fine forests at one time, even as my district of South Kanara is to-day. But in regard to many of those forests which are in private hands, in order to get the quickest returns, particularly during the War years when the price of timber of even the worst sort had gone up, the temptation has been recklessly to sell those forests' timber for whatever they got. This went on without any regard to the needs of the agricultural population or the needs of the district as a whole in the future.

“ In respect of all the forests in the Province the previous Government appointed a Conservator of Forests, Mr. Sathe by name, to make local inspections and make a report. He made a very exhaustive report which is under the immediate consideration of Government. In that report he has recommended that the forest policy of this Province should be made much more progressive than what it is, and that certain drastic steps should be taken. He has said that private forests in Malabar have gone to rack and ruin.

“ With this background, before we proceed to meet the situation fully by enacting a series of Bills, namely, the Madras Estates Land Act (Amendment) Bill which we expect to introduce, if things go

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right, in the next sitting of this House and the Assembly, say by the end of October or November, the Malabar Tenancy Bill at the sitting thereafter and also a major amendment to the Madras Forest Act, to define our policy for the future protection of the forests of this Province it has become necessary just now to introduce this measure for the immediate protection of forests and communal lands.

" I shall now try to explain the important provisions of this Bill. This Bill is intended to apply to all private forests in Malabar and South Kanara, having a contiguous area of over 100 acres. In the first instance, when this Bill was introduced, there was no limit put in, but the Select Committee of the other House which went into the whole question and made a unanimous report without any dissenting minute, and which included two members from Malabar representatives from all sections of that House including two representatives of zamindars, thought it necessary that in view of the stringent control that was sought to be exercised, a certain limit should be put in, and they accordingly put in 100 acres, so that owners of small forests need not be compelled to ask for permission with regard to the various provisions in the Bill. 11-45 a.m.

" Then, as will be seen from sub-clause (a) of clause 1, the Bill applies to all forests situated in estates as defined in the Madras Estates Land Act. Power has been taken to extend the provisions, if necessary, to forests other than in those two districts, exceeding 100 acres in extent. I am told these are few and far between, and that there are not many forests in those other areas.

" Another provision made is this: originally the idea was that the sanction of the Provincial Government should be obtained, but the Select Committee thought it necessary and wise not to compel everybody to come up to the Government, but that the District Collector would be the best authority for the reason that he knows the needs of the cultivating classes in his area and so we have provided that with his permission certain things could be done, i.e., such acts as are mentioned in sub-clause (1) of clause 3. Alienations of these forests are not to be unrestricted as hitherto, but should be done with the permission of the Collector. It has also been said that alienations made after the announcement in the other House about the 16th August that we were going to bring this Bill forward, should be null and void.

" Then under sub-clause (2) of clause 3 we have made a provision that reckless and unrestricted cutting of forests should not go on but should be regulated by control. And under the proviso to that sub-clause and in the explanation to sub-clause (1), sufficient safeguard has been made to see that the normal needs of agriculture or the ordinary use of forests should not be interfered with. It will be seen from the explanation to sub-clause (1) of clause 3 that ' nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than trees and timber in the usual or customary manner, for a period not exceeding two years.' So that, Sir, the normal use of the forests and their produce has not been interfered with in any way.

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“ Similarly, in the proviso to sub-clause (2) it has been stated that ‘ nothing contained in this sub-section shall apply to the removal of dead or fallen trees or to any act done for the usual or customary domestic purposes or for making agricultural implements.’

“ Again, Sir, under sub-clause (3) of the same clause, power has been taken in order to give exemptions to particular classes of forests from the provisions of the Bill, for instance, if it is found that in the case of very small forests or areas, control would be irksome or harassing in any manner, these exemptions will be given.

“ Clause 4 is one providing for appeals, so that where any person is aggrieved by any order of the Collector under the previous clause, he will have the facility of obtaining orders on appeal.

(At this stage the Deputy President occupied the Chair.)

“ Then, Sir, as regards clause 5, we come to a different category of cases which have come to our notice, particularly in the Nellore district where almost a war seems to be going on between the zamindars on the one hand and their ryots on the other, for the normal exercise of their rights for removing fuel and leaves, etc.; hundreds of suits are pending in the Nellore courts in which I am told nearly several hundreds documents have been marked as exhibits. The Zamindari Committee which went into this question, said that pasture lands in forests were the property of the people and that they have been enjoyed as such by the village communities from time immemorial and that the attitude of the zamindars in claiming that these are their exclusive property for which they are entitled to charge fees and raise the fees in any manner they like, is not warranted. That is what the report has stated. But in spite of it, we find that hundreds of suits are pending now in which the zamindars claim to levy any rate of rent they like as pasturage fees. All these things are going on in hundreds and thousands of cases, and we thought that, pending the major legislation, this sort of thing should not go on, on both the civil and criminal sides, and that there should be a halt until the major legislation came in and the Legislature took it into its mind to decide definitely what were the rights of the parties.

“ The House might as well ask how the criminal side comes in. Of the suits filed, one set is civil and the other is criminal. Supposing for instance the ryot wants to remove some piece of wood or has to shoot a pig. In fact, I was told in one place that one of the members of a zamindari family is fond of shooting pigs are allowed to live on a large scale. But the ryots are not allowed to shoot pigs even if they came into the fields. Unlike in my district of South Kanara, where there is often a belt between cultivated lands and the forests, it seems there was no belt there, with the result that the zamindar seems to claim as his privilege and right that he alone can shoot the pigs. But the unfortunate ryot has not the right to shoot them even when the pigs come in to his fields. In such cases, what happens is that criminal cases are filed in courts. We thought that this constant and daily warfare should

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stop for the time being, and therefore, what this clause proposes to do is to cry a halt and stay until the major legislation is brought up on this question.

“ Here again, power is taken under clause (2) of this clause 5 to see that the ryots also do not harass in any way. I may make it very clear to this House and through this House to the ryots in general that this Bill is not intended to be a licence for them. Just as we are preventing landholders from the interfering with the normal exercise of their rights by the ryots and cultivators, this provision should not be taken as licence by the ryots for unrestricted cutting in the name or in the guise of normal exercise of rights. I shall give them now this warning, and if in any place there is going to be abuse of this Bill, it is open to the Government under this sub-clause to cancel the stay, in such cases.

“ We have also taken power under another sub-clause to regulate the use of these rights. That will be found in sub-clause (2) of clause 6, which says ‘ regulate the exercise of customary or prescriptive rights in such forest or forests ’— because, as I said, this Bill is not intended to give any more rights than are normally enjoyed. As the House is aware, grazing by goats is one of the worst things that can happen in a forest; and yet, if a particular person or somebody who has nothing whatever to do with it, lets in hundreds of goats or sheep for grazing, some power is necessary to control the normal exercise of these rights. That is why this clause is put in.

“ Again, it will be seen that certain penalties are prescribed. If, in spite of all this, people go on in the old way, something must be done to protect these forests which ought to be the property of the whole nation and the Province; that is why these stringent provisions have been made in clause 7 for imprisonment and fine.

“ Then, Sir, a further improvement was made in the Select Committee that it should not be in the power of any ordinary constable or anyone else to institute prosecutions and harass people, and therefore it has been provided here that all prosecutions under this Act should be only with the sanction of the District Collector, and that is clause 8.

“ Clause 9 is one in which the Legislature makes it clear that the orders of Government or of the Collector or the notifications issued should not be questioned in any court of law. It is for the reason that if a person who wants permission to fell a forest does not get a favourable answer, he should not file a suit for injunction and hold up matters for all time.

“ Clause 10 also was introduced in the Select Committee stage; under it, power has been taken for certain purposes; for instance, as to the class or kinds of trees which may be permitted to be cut and the girth of such trees, the terms and conditions subject to which permissions may be granted and the procedure to be followed by the Collector before granting permission. It was thought that it would not be wise in this Bill categorically to state all the classes of trees in a schedule, because they would have reference to

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11 areas, and I can assure this House that this Bill does not *ipso facto* or all at once stop the normal needs of trade and commerce in Malabar or elsewhere, and that as far as possible these things will be regulated in as sensible a manner as possible.

“ With regard to the issue of permission also, we shall see that there is no undue harshness or delay and that the necessary consultation is made with the forest officers. It is for this purpose that clause 10 has been put in.

“ Clause 11 is just the same as in the other Bill that was passed by this House. There need not be much discussion upon it.

“ The last clause is also a clause which this House has been good enough to pass in regard to a measure which was passed the day before yesterday.

“ With these words, Sir, I beg to move this motion and I request this Honourable House to give its sanction to this Bill.”

MR. DEPUTY PRESIDENT:—“ The motion before the House is that the Bill be taken into consideration.”

The motion was put and carried and the Bill was taken up for consideration.

12 noon. * K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“ The object of this Bill according to the preamble is to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein.”

MR. DEPUTY PRESIDENT:—“ The motion to take the Bill into consideration at once is passed. You can speak at the end when the Bill will again be considered.”

* THE HON. SRI K. R. KARANTH:—“ After the motion to take the Bill into consideration at once is passed, it is for the Chair, if I am not mistaken, to put it clause by clause so that any amendments can be discussed. The general discussion and all that is over by the passing of the motion.”

Clauses 2 to 12 were put one after another and carried.

Clause 1 was put and carried.

The preamble was put and carried.

* THE HON. SRI K. R. KARANTH:—“ I beg to move Sir—
‘ that the Bill be passed into law.’

“ In doing so I shall only speak a few words, and that is I am most grateful to this House for allowing this Bill to be passed at such a short time which probably, is very rare in any Legislature. I may remind hon. Members, Sir, that they may be conscious of having done something very substantial in improving the forest policy of the Province as a whole. I have seen several parts of this Province where forests are being destroyed without any regard for the future. In passing this Bill this Hon. House has taken a step in directing the future forest policy for which the future generations will be grateful to them.”

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* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ This Bill has just now been passed in a short time. Probably members have been feeling that any amendments that they may move in respect of this Bill may have the same fate as that of the amendments moved in respect of the other Bills, especially when the Assembly is not sitting and the Government may not like to go back to the Assembly at a later date. However, I wish to make a few observations with regard to the working of this Bill. The Bill is designed to prevent the indiscriminate destruction of private forests, but on the other hand the provisions of this Bill, I would submit, are such as to deprive owners of certain classes of forests of their legitimate and just enjoyment of rights. Forests which have been enjoyed from time immemorial by private persons are arbitrarily now taken away from their enjoyment. If it is necessary to prevent the indiscriminate destruction of forests you can regulate the enjoyments by imposing restrictions on the enjoyment of forests. I find this Bill reverses the process completely. It says ‘ You shall not enjoy the forest, your forest is taken away from you, you should not enjoy the property except in certain specified instances ’. If a owner wants to cut trees, he cannot do that, and he must go and yet the permission of the Collector for it. I would now point out to sub-clause (2) of clause 3 according to which the owner should not ‘ do any act likely to denude the forest or diminish its utility as a forest ’. These words are very comprehensive and can include anything on the face of the earth, and for any contravention of this sub-clause the owner has to undergo imprisonment. What is meant by denuding the forest and what is meant by diminishing the utility of a forest are not defined. Anything can come under this, and the owner cannot for a moment enjoy the forests unless the District Collector gives him specific instructions in what way he has to enjoy them. It is too wide a power vested in the hands of the Collector. It would have been a proper course to allow the owner to use the forest in a normal and ordinary manner and to restrain him from such of those acts which would destroy the utility of forests. Such of those acts that constitute indiscriminate destruction of forests could have been prevented. For contravening the provisions, the owner has to undergo the penalty of imprisonment. Whether he has contravened the provision or not is left to the decision of the District Collector. The Collector’s decision has to be the final word subject to an appeal to Government. We know what is meant by discretion. It is as lawyers know as elusive as the Chancellor’s Government. It is clear therefore that all the owners of forests have to be at the mercy of the Collector. What is ‘ denuding the forest ’ has not been stated. If the owners do a certain act which, in their opinion, will not be tantamount to denuding the forest, and if a particular officer thinks that it is denuding the forest, are they to go to the Collector for decision? Is that preventing the indiscriminate destruction of private forests?

“ Forests not exceeding 100 acres in extent have been excluded from the purview of this Act. It would be better if the Act provides that a particular classes of forests are excluded from the purview of this Act, that is forests above a certain level—500 or 1,000 feet

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above mean sea-level. What is the purpose of preserving forests? If it is of the purpose of preventing any adverse effect on the seasonal rains then you preserve those forests which are necessary for that purpose. Where is the necessity for preserving all the forests? You know that timber industry in Malabar is one of the most important industries. Malabar supplies timber to the whole of this Province. By this Act even that timber trade is very much affected adversely.

"It is said that by this Act the destruction of private forests is prevented. For what purpose? Is it merely for the purpose of preserving forests? Forests are to supply timber also to the people. One can understand if you prevent the cutting of trees of a particular age, girth, and size. But under this Act the owners are completely prevented from enjoying the property which they have been enjoying from time immemorial. Even clause 10 puts things the other way. Instead of defining the classes or kinds of trees which may be permitted to be cut, if a clause had been enacted that 'except particular classes of trees others can be cut' it would have been better. But the whole process is reversed in this Act, and I am sure the timber trade and industry will be seriously affected, and all those thousands of people who are now employed in that trade will be thrown out of employment. Further the Hon. Minister may know—that there is fugitive cultivation going on in the forests of Malabar. Under this Act, fugitive cultivation may not take place. Even cutting of trees for fuel is prevented unless one gets the permission of the Collector.

"I would appeal to Government therefore that while framing rules they should see that the provisions are enforced in such a way as not to give hardship and trouble to those people who have been enjoying forests all these days."

* DR. V. K. JOHN :—"On a point of information, Sir. Is there any provision in the rules to discuss the general principle and general provisions of the Bill after the motion that the Bill be taken into consideration was passed and after the Bill was taken into consideration clause by clause? Under Rule 105 of the Council Rules when a motion is made that the Bill be taken into consideration, the principle of the Bill may be discussed. The hon. Member moved that the Bill as passed by the Assembly be taken into consideration, and it was passed. Is there any provision in the rules so that we may have the right, after the amendments were accepted, of discussing the general provisions of the Bill and the principles underlying the Bill?"

12-15 P.M. DR. U. RAMA RAO :—"Since this is the third reading stage of the Bill, I think every member is entitled to speak on the general principles."

MR. DEPUTY PRESIDENT :—"Even according to May's Parliamentary Practice, a general discussion on the principles at this stage may be allowed."

SRI K. MADHAVA MENON :—"Sir, it is only the wearer that knows where the shoe pinches. Much has been said by my hon. Friend, Mr. Ibrahim Sahib, about the conditions in Malabar

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and the calamities that might happen if this Bill is passed. It is all too wrong on the part of my hon. Friend coming from Malabar to say so. I have something much more to say about this. I have only to give you one or two instances as to how this Bill is going to save Malabar and not create any calamities for Malabar. The Zamorin is supposed to be the biggest janmi in Malabar and according to the system of inheritance, nobody becomes a Zamorin before he attains 80 years of age. Therefore, the policy of all Zamorins would be to make as much hay as possible when the sun shines in order to provide money for their family and children. One of the Zamorin estates was under the management of the Court of Wards for about 12 years and after its rendition by the Court of Wards to the Zamorin, he gave one of the biggest forests on lease for 24 years for a value of one and a half lakhs to be exploited by the tenant as he liked. If this is the normal and customary use of forests in any place, this custom must stop. Leases of forests for 99 and 33 years are so common in Malabar that the landlord never enjoys them, the family never enjoys them but the eldest member leases them for 99 or 33 years for being exploited completely without any restriction whatsoever, so much so, the tenant is going on cutting small, big and indifferent trees and doing everything he likes with the forests during the period of the lease. As a result of this, much devastation is going on. If only you walk through some of the forests and hills in Malabar, you will find several hills completely denuded of even grass and shining like the baldness of certain heads. I have heard from agriculturists that in forests because trees are cut, leaving no roots even for the mud to stick on, when there is heavy rain, the place is completely washed away and even grass cannot grow there. Experts say that because of the denudation of forests, they suffer from want of rain considerably. Such being the case, do you think it is too early that the Minister has brought forward this Bill?

“ My hon. Friend, Mr. Ibrahim Sahib, imagines that the whole timber trade of Malabar will suffer and a calamity will befall the land. His fear is more imaginary than real and there will be no hardship for the landlord because the owner of every forest who wants the use of the trees, under this Bill can apply for permission and he can certainly hope that the officers concerned will be reasonable and good enough to grant him permits to cut any tree good, bad or indifferent.

“ My hon. Friend, Mr. Ibrahim Sahib, referred to fugitive cultivation. Some amount of paddy is raised in the name of fugitive cultivation and for the sake of fugitive cultivation, you cannot denude the forest and even according to this Bill, it will not be affected. After all, fugitive cultivation is done only once in three years. If a particular place is cultivated this year, for the next two years, it cannot be cultivated at all because it does not become fit for cultivation for the next two years and it can be cultivated only once in every three years. Therefore, for this purpose, no denudation of forests is required. Even though this Bill prevents the landlord from cutting trees and also leasing them, yet when the

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benefits that it confers as a whole are taken into consideration, this Bill is certainly a boon so far as Malabar is concerned and not at all a hardship to the people."

* MR. R. W. THEOBALD :—" I will only take one moment, Sir. I do not know whether the Hon. Minister is going to make rules under the Act but one thing seems to me to be missing in this Bill; there is no reference to reafforestation. He is taking steps to stop cutting trees but I would like him to take powers to plant trees. We have in England, at the moment a tremendous policy reafforestation because a large number of trees were cut down for supplies to meet the needs of war. If the Hon. Minister could take powers under the Act to do this, I think it would be a very useful thing."

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, I had no intention of speaking at all on this occasion. It is really a very beneficial measure that the Hon. Minister has brought forward but I am sorry that our friend, Mr. Ibrahim Sahib, struck a note of dissent. Sir, I wish the Bill had been passed as the Hon. Minister has introduced it without certain restrictions regarding hundred acres and so on. The denudation of forests is going on to such an extent that it is high time it is put a stop to. This restriction of 100 acres will to a greater extent lessen its usefulness. However, that apart, this is a very useful measure. I hope as the Minister has promised, he will very soon bring forward another measure relating to the general forest policy to see that forests are maintained in proper condition and that the denudation of forests is prohibited. Sir, this proposed legislation regarding forests has been, I think, in the archives of the Secretariat for the past some years, because, Sir, I was a member of the Post-war Sub-Committee on Forests. They proposed some legislation in regard to private forests which has been under the consideration of Government. As I feel that this is a first step in that direction, I think we should all welcome this and give every assistance to the Minister to carry out its intentions."

* SRI RAO BAHADUR D. KRISHNAMURTI :—" Mr. Deputy President, Sir, while congratulating the Hon. Minister on his very lucid and persuasive speech, I would like to draw the attention of the House that this Bill substitutes the rule of the executive for the rule of law. Extensive powers have been taken by the Government to the effect that no orders or notifications issued by them shall be questioned in any court of law. This is a matter dealing with the rights and customary rights of people. The object is very good. If it were merely a question of cutting fuel and timber, the policy with regard to the forests would have been quite relevant. But when you are bringing forward a piecemeal legislation, you are denying the right of the owners to lease, sell, mortgage, etc. You are introducing the rule of the Collector and the Provincial Government. I am not disputing the right of this Government to bring forward legislation of the sort, but I would request them to make rules sufficiently elastic, so that there is no hardship to any person, whose rights are sought to be interfered with by this piece

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of legislation. To grow a forest, is a matter of time; it cannot be done in a few months and it really takes decades. Forests can be used for three purposes; selling timber, cutting fuel and using it as pasture land. Rights accrue by a lapse of a number of years. Usages are governed by custom and prerogative and those rights are now sought to be made the subject-matter of executive discretion. The rule should be framed in such a way that their rights are not interfered with in any easy and arbitrary manner. Of course, when my hon. Friend Mr. Karanth mentioned reasons for urgent need of this measure, I sympathized with that aspect of the question. But you are encroaching on the individual rights and taking them away in the interest of the common weal and for a common purpose. There may be nothing wrong in it. But sense of justice fair-play and equity really requires that these rules should be framed with due care and caution, if necessary, by taking the advice of the Advocate-General, because this involves the question of ownership, which even courts of law in this country may find it difficult to decide speedily or summarily."

* THE HON. SRI K. R. KARANTH :—" Sir, I beg to submit a few words with regard to forest policy as a whole, which was asked to be defined, so that we might do something positive and not only negative, as the hon. Member, Mr. Theobald said. I would say we have under consideration an amending Bill for the Madras forests, which we hope to bring forward very soon so that This Bill is only a milestone and is not an end in itself. We shall have to go very much forward. The present percentage of the extent of forests in this Province is only 13.2 per cent, whereas it is accepted in all civilized countries that for meeting the needs of industries and agriculture and for necessary rains and so on, a minimum of 20 to 25 per cent is necessary; for that 20 per cent at least to be accepted as the minimum for our Province we shall bring forward a proposal for reafforestation on a proper scale, and if necessary, even for the acquisition of private forests, so that the State can take up and manage the whole thing. Almost every year, we see famine in the Ceded districts and if the money spent on famine relief had been spent on reafforestation in the past—at least half or one-fifth of the money—conditions would have been better now. It is a well accepted fact that if there are forests, clouds which pass through or over them, will bring in rain. It is such a simple thing which can be seen. In fact I have experienced it in my own district where by reason of the heavy reserve forests we are having the complaint—the complaint here is the other way round—that we have a rainfall of 120 inches on the coast and 280 to 300 on the Ghat section, which is only 50 miles from Mangalore. I may say, people in the Ceded districts are to be blamed in this respect. I have seen even the bark of avenue trees on the roadside which the local boards have planted, being peeled and removed so that the trees may die and be used for fuel. If you go from Bellary to a distance of about five or ten miles, you will see several trees have been removed in this manner for the sake of fuel. People do not care; even reserve forests are mere forests of stones than of trees in the Ceded districts. No attempt is made to

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preserve them by any sort of policy. Our policy should be more progressive than the policy outlined by the Leader of the Opposition.

“ My hon. Friend, Mr. Krishnamurti, speaks of individual rights. I may say the sooner we give up this idea of *laissez faire* that each man is entitled to do, with his own property as he likes the better for us all. These are things of days gone bye and not to be said too much hereafter. Because in a planned society, we must subject ourselves to certain controls and nowhere is it more necessary than in the preservation of forests.

“ My hon. Friend, the Leader of Opposition, spoke of Malabar. I claim to know the conditions of Malabar as much as he does, if not a little more. I request him not to look at the timber business from the view point of the cabinet makers and timber merchants. That should not be the idea for a man with an axe would like to fell even the most beautiful tree. That is what he can use that axe for. We have to think of the future of Malabar and the necessity of these forests for the use of the ryots and cultivators. He mentioned about punam cultivation. Nothing is more damaging than that. In my own district, it exists on a large scale and the result is utter devastation of forests. I may go even beyond what my hon. Friend, Mr. Madhava Menon, said in this respect, because what happens is, for the little paddy they are getting and things like that under guise of punam cultivation, there is wholesale devastation of forests going on. In one of the taluks of my district, which happens to be my constituency, there are some big tarwads where the karnavans come to that position when they are very old; and because they want the quickest returns they lease the forests to somebody for punam cultivation and do not know to what extent it is carried on actually. The ultimate result is wholesale devastation of forests, and burning of trees and shrubs because of the little rent which they get. Devastation is much more when the forest is taken away and when there is heavy rainfall as in the West Coast it removes all the earth from the ground and what is left is the bald head or stone as mentioned by my hon. Friend, Mr. Madhava Menon. I do not think punam cultivation in Malabar could be stopped within a year. It must be regulated as has been done in my district, and we shall try to regulate it, while we cannot stop it all at once.

“ Then my hon. Friend the Leader of the Opposition mentioned about the 500 feet above sea-level. Evidently he has taken the cue from the hon. Members from Malabar in the other House. May I submit, Sir, that most of the forests in Malabar, barring those in the Ghat section, will be within 500 feet. Surely all big forests are within 200 or 300 feet above sea-level and if you limit it to 500 feet sea-level, there will be very little forests to be controlled. Therefore, let nothing be said in that respect when we are doing everything in a regulated manner.

“ Then, Sir, with regard to imprisonment and all that, he cannot expect the District Collector to give sanction for prosecution

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unless there is serious infringement. So far as the rules are concerned, we shall take the advice which he and the hon. Member Mr. Krishnamurthi have given, so that the rules may be as sensible and convenient as possible. It may not be necessary to consult legal opinion for this purpose when we are concerned more with the practical working of it. We shall try to meet the wishes of hon. Members and see that things are done in as reasonable a manner as possible. (Interruption.) I am thankful for the reminder. He wants us in a Bill like this to define exactly in so many words what 'denudation' means. It is not possible to do that. Cutting is one thing, peeling of barks is another thing and so is it possible to say in a definition that nobody shall peel, shall burn or cut off all the branches or remove the trees, which is also denudation? Therefore it is not possible to put in a dozen or two dozen words to define when forests would be denuded. We can leave it to the good sense of the head of the district who will not misuse it. Even in such a case, there is also a right of appeal to the Government. As I said already Government will bring in a major legislation with regard to the whole policy of forests, in which all these things will be put on a firmer and better footing."

The motion was put and carried and the Bill was passed into law.

(At this stage, the Hon. President took the Chair.)

(2) THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) BILL, 1946 (L.A. BILL NO. 2 OF 1946).

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" On a point of information, Sir, I request the Hon. Premier to let us know whether you have got only two Bills or three Bills to be considered. We received notice of a Bill further to amend the Madras Payment of Salaries and Removal of Disqualifications Bill. May I know whether this also is going to be taken up."

* MR. PRESIDENT :—" So far as I am informed, there are only two more Bills, the Madras Essential Articles Bill and the Rent Control Bill.

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" May I know whether the Hon. the Prime Minister is going to move it or not."

THE HON. SRI T. PRAKASAM :—" That is not in today's Agenda.

" I move, Sir,—

' that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1946 (L.A. Bill No. 2 of 1946), as passed by the Legislative Assembly be taken into consideration at once '."

* DR. V. K. JOHN :—" May I know, Sir, whether we have an opportunity to discuss the principles of the Bill at this stage."

* MR. PRESIDENT :—" Yes."

* DR. V. K. JOHN :—" Sir, I submit, that if this Bill is passed into law, we shall have on the Statute Book a most extravagant piece of legislation which touches the liberty of the subject,